

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

FILED
BILLINGS DIV.

2009 JAN 16 PM 1 52

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**PAUL LANDE, JR., AND
BARBARA LANDE,**

Plaintiffs,

vs.

**PAUL LANDE SR., JEANNE R.
LANDE, AND CHARLES
CONNERS, Secretary of
Agriculture, United States of
America, et al.,**

Defendants.

CV-08-02-BLG-RFC

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE**

On November 3, 2008, United States Magistrate Judge Carolyn Ostby entered her Findings and Recommendation. Magistrate Judge Ostby recommends dismissal with prejudice as to Paula A. Lande, Sr. And Jeanne R. Lande.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the November 3, 2008 Findings and Recommendation. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir.

1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After an extensive review of the record and applicable law, this Court finds Magistrate Judge Ostby's Findings and Recommendation are well grounded in law and fact and adopts them in their entirety.

Plaintiffs have not appeared to show cause why their claims against the remaining defendants should not be dismissed. Additionally, pursuant to Fed.R.Civ.P. 4(m), Plaintiff's Complaint must be dismissed as to the remaining unserved defendants.

Accordingly, **IT IS HEREBY ORDERED** Plaintiff's Complaint against Paul A. Lande, Sr., and Jeanne R. Lande is **DISMISSED with prejudice**. Plaintiff's claim against all unserved defendants is **DISMISSED without prejudice**.

The Clerk of Court shall notify the parties of the making of this Order and close this case.

DATED the 16 day of January, 2009.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE